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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,335	10/04/2005	Shinsuke Matsumoto	000023-063	6760

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EXAMINER

THOMAS, JAISON P

ART UNIT	PAPER NUMBER
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1751

MAIL DATE	DELIVERY MODE
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06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,335

Applicant(s)

MATSUMOTO ET AL.

Examiner

Jaison P. Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4 and 8-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/05, 6/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2,5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Criner (US Patent 3359243).

Criner teaches a linear polyurea elastomer, defined as a reaction product of a oxyalkylene with an aromatic diisocyanate and a diamine (Abstract), wherein the structure is given in Col. 1, lines 51-55 wherein X is defined to be hydrogen or lower alkyl radicals and R is defined as a alkylene radical containing 2 to 10 carbon atoms. The molecular weights of the individual segments of the copolymer are given in Col. 2, lines 5-12.

4. Claims 1-3,5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt et al. (US Patent 4229561).

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Schmidt et al. teaches a polyurea polymer comprised with the monomers disclosed in the Abstract. Examples of the polymer structure are disclosed in Cols. 3-4. The polymers contain oxymethylene segments and a benzaimidazolone structure. The structure of Formula I (Col. 1, lines 35-45) is created from the reaction of polyether diol with a isatoic acid anhydride (Col. 2, lines 1-7). The structure "B" in formula II is defined possibly being a polyethylene ether group (Col. 2, lines 48-50).

5. Claims 1,2 and 5-7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ozelli et al. (US Patent 4535121).

Ozelli et al. teaches a flocking adhesive for flexible substrates that contain an "isocyanate-terminated polyurethane prepolymer", a reaction product of a polyfunctional epoxide and aromatic diisocyanates, an organic solvent, dispersant, and auxiliary materials (Col. 1, lines 64-68 thru Col. 2, lines 1-7). The reaction product can be a product of diglycidyl benzimidazolone and a diisocyanate (Col. 2, lines 31-42). The prepolymers used in the composition include reaction products of polybutadiene and polypropylene glycols with diisocyanates (Col. 4, lines 9-24). Auxiliary materials include a variety of metal oxides including magnesium, zinc and calcium oxides (Col. 4, line 57). The adhesive is subsequently vulcanized, which examiner construes as resulting in a polymer equivalent to the structure claimed in Claim 1.

In the alternative, Ozelli is relied upon as disclosed above. However, Ozelli does not illustrate the specific structures as required by the instant Claim 1.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to understand the adhesive of Ozelli teaches the disclosed structure since the named constituents of the polymer contain the functional groups recited in the instant Claims.

Allowable Subject Matter

6. Claims 4 and 8-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison P. Thomas whose telephone number is (571) 272-8917. The examiner can normally be reached on Mon-Fri 8:30 am to 5:00 pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jaison Thomas
Examiner
6/21/2007

JT


DOUGLAS MCGINTY
SUPERVISORY PATENT EXAMINER

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